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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,651	01/26/2004	Julien Başch	M-15181 US	1203

32605 7590 03/23/2007
MACPHERSON KWOK CHEN & HEID LLP
2033 GATEWAY PLACE
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SAN JOSE, CA 95110

EXAMINER

GUARINO, RAHEL

ART UNIT	PAPER NUMBER
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2611

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/765,651

Applicant(s)

BASCH ET AL.

Examiner

Rahel Guarino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1-8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The recitation of this method is categorized as a process and as such covers/includes the judicial exception of an abstract idea, where the claimed invention is seemingly a patentable process or apparatus, however it is in reality seeking patent protection of a math algorithm. Although, there is no practical application by physical transformation, the questions arises is there practical application that produces useful and tangible result? The answer is no; the focus is on the result, not the steps or structure used to produce the result. The body of the method as claimed simply recites a series of steps without telling how the correlation value is used and for this reason does not produce a tangible result.

Conclusion – non statutory; correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasaki, US 5,329,549 in view of Motamedi US, 4,943,974.

Re Claim 1, Kawasaki discloses a method for detecting a positioning signal (col. 5 line 32-37; "Kawasaki"), comprising:

correlating a segment of a received positioning signal with a reference signal (code signal) of a selected code phase and frequency to obtain a correlation value (col. 5 line 32-37; "Kawasaki"), does not disclose the correlation value is less than a predetermined minimum.

However, Motamedi teaches the correlation value is less than a predetermined minimum, assigning the correlation value to the predetermined minimum (col. 6 line 59-67).

Therefore, taking the combined teaching of Kawasaki and Motamedi as a whole would have been rendered obvious to one skilled in the art to modify Kawasaki to utilize the correlation value being less than a predetermined minimum for the benefit of indication of a burst signal (col. 3 line 52-59; "Motamedi").

accumulating the correlation value in a sum of correlation values obtained using other segments of the received positioning signal (col. 8 line 43-64; "Motamedi"). It is well known in the art that the average value is a ratio between correlation peaks and an chip.

Therefore, taking the combined teaching of Kawasaki and Motamedi as a whole would have been rendered obvious to one skilled in the art to modify Kawasaki to utilize the accumulative correlation value in a sum of correlation values for the benefit of

detecting the presence of signal (col. 8 line 60-64;"Motamedi").

Claim 2, the modified invention of Kawasaki and Motamedi as in claim 1, further comprising reducing the correlation value by a predetermined value (col. 11 line 1-3;"Motamedi").

Claim 3, the modified invention of Kawasaki and Motamedi as in claim 2, wherein the correlation value is reduced by an expected mean value for a noise component in the segment of the received positioning signal (col. 10 line col. 11 line 17-20;"Motamedi").

Claim 4, the modified invention of Kawasaki and Motamedi as in claim 1, further comprising quantizing the correlation value (col. 8 line 14-19;"Motamedi").

Claim 5, the modified invention of Kawasaki and Motamedi as in claim 4, wherein the predetermined minimum value is the least quantized correlation value (col. 10 line 56-60;"Motamedi").

Claim 6, the modified invention of Kawasaki and Motamedi as in claim 1, further comprising comparing the sum of correlated values to a predetermined threshold value (col. 7 line (col. 8 line 48-60;"Motamedi").

Claim 7, the modified invention of Kawasaki and Motamedi as in claim 6, wherein the accumulating is not further carried out for additional segments of the received positioning signal when the sum of correlated values exceeds the predetermined value (col. 4 line 51-55;"Kawasaki").

Claim 8, the modified invention of Kawasaki and Motamedi as in claim 6, further comprising quantizing the correlation value (col. 8 line 14-19;"Motamedi"), and wherein

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the predetermined threshold value is the greatest quantized value (col. 10 line 56-60,"Motamedi").

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rahel Guarino whose telephone number is 571-270-1198. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Payne David can be reached on 571-272-3024. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RG


DAVID C. PAYNE
SUPERVISORY PATENT EXAMINER